

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES WILLIAMS,	:	CIVIL ACTION NO. 1:01-CV-2345
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT OF	:	
CORRECTIONS, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 11th day of April, 2007, upon consideration of the order of court dated March 28, 2007 (Doc. 179) directing *pro se* plaintiff to file one or more subpoenas by April 18, 2007, completed in accordance with Rule 45 of the Federal Rules of Civil Procedure and accompanied by appropriate fees and mileage costs for each witness, see FED. R. CIV. P. 45(b)(1) (requiring that fees and mileage costs be tendered to witness at time of service); see also 28 U.S.C. § 1821 (enumerating appropriate fees and costs), and upon further consideration of the subpoenas filed by plaintiff ordering “Officer Herbert,” “Officer Street,” and Dr. John Symons to appear at trial, the exhibits attached thereto,¹ and the letter dated April 1, 2007 (Doc. 187), in which plaintiff requests an enlargement of time to subpoena his

¹ The court notes that the exhibits attached to the subpoenas are not referenced by any document filed by plaintiff. Therefore, the court will return the exhibits to plaintiff. If these exhibits are for trial, plaintiff is reminded that he must, prior to the commencement of trial, submit three (3) complete exhibit lists (see attached form) and three (3) complete sets of exhibits for the court’s use, in addition to the original exhibits to be offered into evidence. (See Doc. 171 ¶ 4.d.)

proposed witnesses, and it appearing that plaintiff did not include the addresses of his witnesses on the filed subpoenas, nor did plaintiff include the appropriate fees and mileage costs, it is hereby ORDERED that:

1. The Clerk of Court is directed to return to plaintiff, via United States mail, the subpoenas ordering "Officer Herbert," "Officer Street," and Dr. John Symons to appear at trial, and the exhibits attached thereto.
2. Plaintiff shall be permitted to file, on or before May 2, 2007, one or more subpoenas, completed in accordance with Federal Rule of Civil Procedure 45 and accompanied by appropriate fees and mileage costs for each witness. See id. 45(b)(1); see also 28 U.S.C. § 1821.
 - a. Plaintiff shall include the address of each witness on the court-issued subpoena.
 - b. The court shall direct service of *properly completed* subpoenas on the above-named individuals as appropriate. The court will not direct service of any subpoena that does not include an address or the appropriate fees and mileage costs for the witness, which may prevent plaintiff from calling the witness at trial.
 - c. Plaintiff shall not mail the completed subpoenas to or otherwise attempt to serve the completed subpoenas on the person(s) named therein. See FED. R. CIV. P. 45(b)(1); see also id. 45 cmt. § C45-9. Failure to comply with this paragraph will result in the imposition of sanctions, potentially including dismissal of the above-captioned case. See FED. R. CIV. P. 16(f), 41(b); L.R. 83.3.1.
3. No further enlargements of time will be granted absent exceptional circumstances.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

EXHIBIT LIST

Case Number: _____

[illegible]